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PATENT
Attorney Docket No. 225929

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHARLES et al.

Group Art Unit: 3731

Application No. 10/755,932

Examiner:

Filed: January 13, 2004

For: SURGICAL MANIPULATOR

**PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON
EXPRESS MAIL LABEL "DATE-IN" (37 C.F.R. § 1.10(c))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This is a petition to accord the correspondence in the above-identified application the "date-in" of January 13, 2004 shown on the Express Mail Label No. EV336873900US. It is respectfully contended that the date of January 14, 2004 accorded this correspondence by the PTO is incorrect.

2. The discrepancy in the filing date accorded the above-identified patent application was discovered in connection with reviewing the filing receipt for the application on or about April 20, 2004 when the filing receipt was received from the PTO. This petition is being filed promptly thereafter. 37 C.F.R. § 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EV336873900US and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. § 1.10(c)(2).

4. Attached is a true copy of "Express Mail" mailing label showing the "date-in" of January 13, 2004. 37 C.F.R. § 1.10(c)(3).

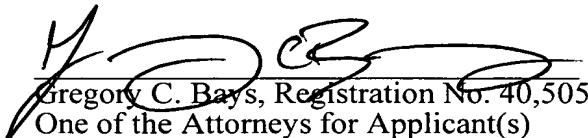
5. The petition fee of \$130.00 is paid as follows:

☐ Attached is a ☐ check in the amount of \$.

In re Appln. of CHARLES et al.
Application No. 10/755,932

- ☒ Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 12-1216. A duplicate of this paper is attached.
- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Respectfully submitted,


Gregory C. Bays, Registration No. 40,505
One of the Attorneys for Applicant(s)
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

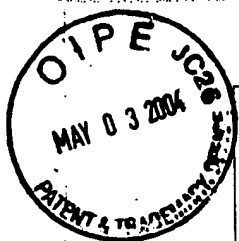
Date: April 28, 2004

CERTIFICATE OF MAILING

I hereby certify that this PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON EXPRESS MAL LABEL "DATE-IN" (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/28/04

Elizabeth Hernandez



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 225929
First Inventor CHARLES, Steve T.
Title SURGICAL MANIPULATOR
Express Mail Label No. EV336873900US

APPLICATION ELEMENTS

1. ☒ Utility Patent Application Transmittal Form
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification (including claims and abstract) [Total Pages 20]
4. ☒ Drawings [Total Sheets 8]
5. ☒ Combined Declaration and Power of Attorney [Total Pages 4]
 - a. ☐ Newly executed
 - b. ☒ Copy from prior application [Note Box 6 below]
 - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
6. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference.
7. ☒ Application Data Sheet. See 37 CFR 1.76
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. Nucleotide and/or Amino Acid Sequence Submission
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper Copy
 - c. ☐ Statement verifying identity of above copies

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ACCOMPANYING APPLICATION PARTS

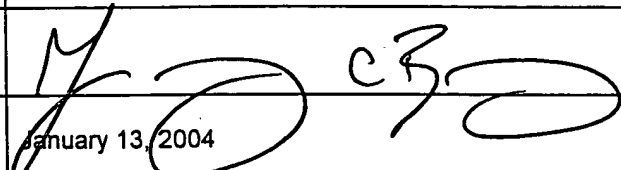
10. ☐ Applicant requests early publication. (include publication fee under 37 CFR 1.18(d))
11. ☐ Assignment Papers (cover sheet and document(s))
12. ☐ 37 CFR 3.73(b) Statement (when there is an Assignee)
13. ☐ Power of Attorney
14. ☐ English Translation Document (if applicable)
15. ☐ Information Disclosure Statement (IDS)
☐ Form PTO-1449
☐ Copies of Listed Documents
16. ☐ Preliminary Amendment
17. ☒ Return Receipt Postcard (Should be specifically itemized)
18. ☐ Claim of Priority & Certified Copy of Priority Document(s)
19. ☐ Request & Certification Under 35 USC 122(b)(2)(B)(i) (Form PTO/SB/35 or its equivalent must be submitted with this application to prevent publication at 18 months)
20. ☐

21. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below:

☒ Continuation ☐ Divisional ☐ Continuation-in-part of prior application no. 10/050,241.
Prior application information: Examiner Pedro Philogene; Group Art Unit: 3732

APPLICATION FEES

BASIC FEE				\$770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	4 -20=		x \$18.00	\$
Independent Claims	1 -3=		x \$86.00	\$
<input type="checkbox"/> Multiple Dependent Claim if applicable			+ \$290.00	\$
Total of above calculations =				\$770.00
Reduction by 50% for filing by small entity =				\$(385.00)
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$
<input type="checkbox"/> Early publication fee if applicable			+ \$300.00	\$
TOTAL =				\$385.00

22. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 12-1216 in the amount of \$385.00.	
23. <input type="checkbox"/> A check in the amount of \$ is enclosed.	
24. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 12-1216: a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16. b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.	
25. <input checked="" type="checkbox"/> The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 12-1216 for any fee that may be due in connection with such a request for an extension of time.	
26. CORRESPONDENCE ADDRESS	
<input checked="" type="checkbox"/> Customer Number: 23460 23460	<input type="checkbox"/> , R eg. No. Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)
Name	Gregory C. Bays, Registration No. 40,505
Signature	
Date	January 13, 2004

Certificate of Mailing Under 37 CFR 1.10		
I hereby certify that this Utility Patent Application Transmittal and all accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.		
Elizabeth Hernandez	Elizabeth Hernandez	January 13, 2004
Name of Person Signing	Signature	Date

Utility Transmittal (Revised 10/1/03)



LEYDIG, VOIT & MAYER, LTD.
ATTORNEYS AT LAW
TWO PRUDENTIAL PLAZA
SUITE 4900
CHICAGO, ILLINOIS 60601-6780

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THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

In re Appln. of CHARLES et al.
New Patent Continuation Application based on 10/050,241
For: SURGICAL MANIPULATOR

JAN 13 2004

Items:

1. Utility Transmittal Sheet (2 pg.), in duplicate
2. Application Data Sheet (4 pg.)
3. Specification (20 pg.)
4. Informal Drawings (8 sheets, FIGS. 1-8)
5. Copy of Combined Declaration & Power of Attorney (4 pg.)
6. Charge Deposit Acct. 12-1216 in the amount of \$385.00
7. Express Mail # EV336873900US

Date: January 13, 2004
Attorney Docket: 225929

GCB/eh

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10/755932



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- ACCEPTANCE, January 13, 2004, 4:52 pm, CHICAGO, IL 60601

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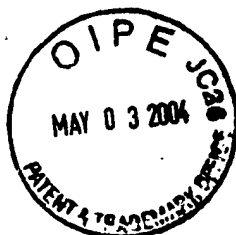
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/755,932	01/14/2004	3731	385	225929	8	4	1

23460

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780



CONFIRMATION NO. 3455

FILING RECEIPT



OC000000012362871

Date Mailed: 04/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steve T. Charles, Germantown, TN;
J. Michael Stuart, Corrales, NM;
Larry Bronisz, Los Alamos, NM;

LEYDIG VOIT & MAYER
ATTORNEYS

Assignment For Published Patent Application

MicroDexterity Systems, Inc., Memphis, TN;

APR 20 2004

noted
FILING RECEIPT

Domestic Priority data as claimed by applicant

This application is a CON of 10/050,241 01/16/2002 PAT 6,676,669
which claims benefit of 60/261,940 01/16/2001

Foreign Applications

If Required, Foreign Filing License Granted: 04/14/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

LAH

Early Publication Request: No

** SMALL ENTITY **

Title

Surgical manipulator

Preliminary Class

606

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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